REMARKS

An excess claim fee payment letter is submitted herewith for one (1) excess dependent claim.

Claims 1-55 are all the claims presently pending in the application. Claims 1-8, 13-35, and 40-54 are all the claims presently being examined in the application. Claims 1, 17-21, 24, 28, 36, 40, 44-48, 51 and 52 have been amended to more particularly define the invention. Claim 55 has been added to further define the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-8, 13-35, and 40-54 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Boltz (U.S. Patent No. 6,131,024).

This rejection is respectfully traversed in the following discussion.

Claim 1 calls for an information terminal having a communicator, a memory storing at least one exception code, and a main control unit that determines an item to be monitored, judges whether the item meets with a predetermined condition for prohibiting making a call, judges whether a code of a calling or called party is coincident with the exception code, and (c4) prohibits making a call, if the predetermined condition is satisfied, and if the code of a calling or called party is not coincident with the exception code.

In Boltz, there is no disclosure or suggestion that an <u>information terminal</u> has a memory storing at least one exception code, or that an <u>information terminal</u> has a main control unit that determines an item to be monitored, judges whether the item meets with a predetermined condition for prohibiting making a call, judges whether a code of a calling or called party is coincident with the exception code, and (c4) prohibits making a call.

Further, Boltz also does not disclose or suggest the location of a memory storing at least one exception code, and <u>there is no suggestion that the memory be in an information terminal or a Mobile Station (MS) 20.</u>

Furthermore, the control unit of Boltz that utilizes the memory is not in an information terminal or a Mobile Station. Instead, it is a Mobil Services Center (MSC) 330 that has a "Usage Monitoring Application" 330 that checks the current usage amount and compares it with the defined usage limit. If the current usage amount exceeds the usage limit, the MSC 330 <u>sends an error message to the MS 300</u> indicating excessive usage, and the call will be aborted, unless the call is an emergency call or a call to a predefined number established by the subscriber (col. 4, lines 41-53).

The MSC is <u>not</u> at an information terminal or a Mobile Station. Instead, a GSM Public Land Mobile Network, such as a cellular network 10, is composed of a plurality of areas 12, each with an MSC 14 and an integrated Visitor Location Register (VLR) 16 therein. The MSC/VLR areas 12, in turn, include a plurality of Location Areas (LA) 18, which are that part of a given MSC/VLR area 12 in which a Mobile Station 20 may move freely without having to send update location information.

Thus, Boltz does not disclose or suggest an <u>information terminal</u> having a memory storing at least one exception code. Furthermore, as is explained above, it is the <u>Mobil</u>

Services Center (MSC) 330, not an information terminal, that has a main control unit that judges whether the item meets with a predetermined condition for prohibiting making a call, judges whether a code of a calling or called party is coincident with the exception code, and prohibits making a call, if the predetermined condition is satisfied, and if the code of a calling or called party is not coincident with the exception code. Therefore, claims 1-8 are patentable over Boltz.

Claims 9-12 stand withdrawn from consideration.

Independent claim 13 is drawn to an information terminal that prohibits making a call when a total communication fee is over a threshold upper limit, but allows making a call to a party or parties having been set in advance as an exception or exceptions even when a total communication fee is over a threshold limit. In contrast, as was discussed above, in Boltz it is a Mobil Services Center (MSC) 330 that checks the current usage amount and compares it with the defined usage limit, and, if the current usage amount exceeds the usage limit, the MSC 330 sends an error message to the MS 300 indicating excessive usage, and the call will be aborted, unless the call is an emergency call or a call to a predefined number established by the subscriber.

Therefore, Boltz does not disclose or suggest an information terminal that prohibits making a call.

Independent claims 17 and 24 are directed to methods of making communication by means of an information terminal, each method comprising several steps. The present Amendment amends claim 17 to require that the information terminal be used to perform the two judging steps and the prohibiting step. It also amends claim 24 to require that the information terminal be used to perform both of its steps. Also by the present Amendment, claims 17 and 24 require that the call be prohibited from being made from

the information terminal. There is no disclosure or suggestion in Boltz of a call being prohibited from being made from the MSC.

Claims 17-27, as amended, are allowable for the reason that Boltz does not disclose or suggest an <u>information terminal</u> performing the above-mentioned functions.

Independent claim 28 is directed to a storage medium readable by a computer, the storage medium storing a program therein for causing a computer to act as an information terminal having a function of making a call and comprising the elements of claim 1. Accordingly, claims 28-35 are allowable for reasons analogous to those described above in connection with claims 1-8.

Claims 36-39 stand withdrawn from consideration.

Independent claim 40 is directed to a storage medium readable by a computer, the storage medium storing a program therein for causing a computer to act as an information terminal having a function of making a call and further having the functions of claim 13. Accordingly, claims 40-43 are allowable for reasons analogous to those described above in connection with claim 13.

Independent claim 44 is directed to a storage medium readable by a computer, the storage medium storing a program therein for causing a computer to carry out a method of making communication by means of an information terminal having a function of making a call, the method comprising the steps of claim 17. Accordingly, claims 44-50 are allowable for reasons analogous to those described above in connection with claim 17.

Independent claim 51 is directed to a storage medium readable by a computer, the storage medium storing a program therein for causing a computer to carry out a method of making communication by means of making a call, the method comprising the steps of

claim 24. Accordingly, claims 51-54 are allowable for reasons analogous to those described above in connection with claim 24.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by Boltz. Therefore, the Examiner is respectfully requested to withdraw this rejection.

FORMAL MATTERS AND CONCLUSION

Minor errors have been corrected in the disclosure.

In view of the foregoing, Applicant submits that claims 1-55, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview. The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,

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